

CITY UTILITIES COMMITTEE

MINUTES

NOVEMBER 30, 2010

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, November 30, 2010 at 10:13 a.m., in Committee Room #2**. The following members were present:

The Honorable Natalyn M. Archibong, Chair
The Honorable Kwanza Hall, Vice-Chair
The Honorable C. T. Martin
The Honorable Yolanda Adrean
The Honorable Howard Shook
The Honorable Aaron Watson

Others present at the meeting were: M. Theresa Stewart, Stephanie Grant, Renee Sheperd and Marc Goncher, Law Department; Interim Commissioner Dexter White, Deputy Commissioners Jim Beard, and David St. Pierre, Susan Rutherford, Melinda Langston, Sharon Matthew; Department of Watershed Management; Commissioner Richard Mendoza, Nursef Kadir, Department of Public Works; Doug Young, Urban Design; Keith Brooks, Office of Procurement; members of the public, press and Council Staff.

Chair Archibong called the meeting to order at 10:11 a.m. after declaring a quorum present. She then proceeded with the following order of business.

A. ADOPTION OF AGENDA - ADOPTED

B. APPROVAL OF MINUTES - APPROVED

CONSENT

C. ORDINANCES FOR FIRST READING

10-O-2003 (1) An Ordinance by City Utilities Committee authorizing the Mayor or his designee on behalf of the City of Atlanta, to enter into an Encroachment Agreement for non-conforming uses with the Board of Regents of the University System of Georgia, by and on behalf of Georgia State University, owner of real property located at 35 Broad Street, NW for the purpose of permitting an existing basement which presently extends into the public right-of-way; to waive the application fee and yearly inspection fee; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

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ORDINANCES FOR FIRST READING (CONT'D)

- 10-O-2071 (2) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2011 (2009A Water and Wastewater Bond Fund-5066) Budget in the amount of \$398,748.00 to transfer funds from the Capital Projects Reserve (5066) for Appropriations and to add to appropriation funds for the South Area Consolidation Project; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

- 10-O-2116 (3) An Ordinance by City Utilities Committee to amend Chapter 154 (Utilities), Article II (Water and Sewer Billing and Collections Procedures), Section 154-26 (Water and Sewer Appeals Board), of the City of Atlanta, Code of Ordinances so as to increase the number of members and revise the composition of the Water and Sewer Appeals Board; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

- 10-O-2117 (4) An Ordinance by City Utilities Committee to amend Chapter 154 (Utilities), Article II (Water and Sewer Billing and Collections Procedures), Section 154-26 (Water and Sewer Appeals Board), of the City of Atlanta, Code of Ordinances to increase the amount paid to members of the Water and Sewer Appeals Board in a calendar year; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

- 10-O-2118 (5) An Ordinance by City Utilities Committee to amend Chapter 154 (Utilities), Article II (Water and Sewer Billing and Collections Procedures), Section 154-26 (Water and Sewer Appeals Board), of the City of Atlanta, Code of Ordinances to allow customers to authorize the Water and Sewer Appeals Board to administratively review the basis of the dispute and decide upon the customer's appeal without requiring the customer to appear before the Board for the hearing; to allow a customer to have a minimum of four members to conduct a hearing or administrative review; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

REGULAR

D. PUBLIC HEARINGS - ORDINANCES FOR SECOND READING

- 10-O-1979 (1) An Ordinance by Councilmembers C. T. Martin, Michael J. Bond, Ivory L. Young, Jr., Kwanza Hall, Natalyn M. Archibong, Cleta Winslow, Carla Smith, Keisha Lance Bottoms and Joyce Sheperd to rename Cone Street, NW to Xernona Clayton Way, NW to waive Section 138-8(b)(5)c and 138-8(h) of the Code of Ordinances of the City of Atlanta, Georgia; to waive conflicting ordinances; and for other purposes. **(Public Hearing held 11/30/10.)**
(Councilmember Adrean made a motion to hold until the legislation go to the Urban Design Commission.)

HELD

- 10-O-1981 (2) An Ordinance by Councilmembers Kwanza Hall, Michael J. Bond, H. Lamar Willis, Aaron Watson, Ivory L. Young, Jr. and Yolanda Adrean **as amended by City Utilities Committee** authorizing the Mayor or his designee to rename Harris Street, NW located in Downtown Atlanta between Piedmont Avenue, NW and Park Drive, NW in its entirety to John Portman Boulevard, NW; and for other purposes. **(Public Hearing held 11/30/10.)**
(Councilmember Watson made a motion to hold as amended until the legislation go to the Urban Design Commission.)

AMENDED AND HELD (4 YEAS) ARCHIBONG, WATSON, HALL, SHOOK (2 NAYS) MARTIN, SMITH

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E. ORDINANCES FOR SECOND READING

- 10-O-1914 (1) An Ordinance by City Utilities Committee **as amended by City Utilities Committee** to amend Chapter 154, Article III Section 73, et seq. (The City of Atlanta Water Use Restrictions Ordinance, 07-O-0956) to harmonize the Ordinance with State Law; to establish comprehensive Water Use Restrictions; to authorize the Commissioner of the Department of Watershed Management to set Outdoor Water Use Restrictions during emergency conditions; to establish provisions for adequate enforcement of Outdoor Water Use Restrictions; to amend Chapter 154, Article II, Water and Sewer Appeals Board; and for other purposes.
(Councilmember Shook made a motion to approve as amended)

FAVORABLE AS AMENDED

- 10-O-1915 (2) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2011 (Water And Wastewater Renewal and Extension Fund) (5052) Budget in the amount of \$1,000,000.00 to transfer funds from the Water and Wastewater Renewal and Extension Fund Reserve for Appropriations and add to Appropriations funds for Public Health Security-Wastewater Project for the purpose of implementing safety and security Audit Recommendations at Department of Watershed Management Facilities; and for other purposes.
(Councilmember Hall made a motion to approve.)

FAVORABLE

- 10-O-1972 (3) An Ordinance by City Utilities Committee to amend Part III Code of Ordinances ("Land Development Code"), Appendix C ("Plumbing Code Amendments"), Chapter 1 ("Administration") to require new conveyor car washes to recycle water; to comply with the requirements of the Metropolitan North Georgia Water Planning District's 2009 Water Supply and Water Conservation Management Plan; to conserve water resources; and for other purposes.
(Councilmember Hall made a motion to approve.)

FAVORABLE

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ORDINANCES FOR SECOND READING (CONT'D)

- 10-O-1973 (4) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2011 (2009A Water and Wastewater Bond Fund - 5066) Budget in the amount of \$19,500,000.00 to transfer funds from the Capital Projects Reserve (5066) for Appropriations and to add to Appropriation funds for the purpose of completing the final phase of the South River Tunnel & Pump Station Project; and for other purposes.
(Councilmember Hall made a motion to approve.)

FAVORABLE

- 10-O-1974 (5) An Ordinance by City Utilities Committee to amend the FY 2011 (Water and Wastewater Renewal and Extension Fund) Budget by adding to anticipations and appropriations surety proceeds in the amount of \$1,588,848.00 per the Settlement Agreement approved by the Full Council of the City of Atlanta, Georgia August 16, 2010 to complete additional corrective work for the Indian Creek Drainage Basin Project; and for other purposes.
(Councilmember Hall made a motion to approve.)

FAVORABLE

F. RESOLUTIONS

- 10-R-2004 (1) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2 and to amend the Scope of Services, for FC-4718B, Annual Contract for Small Water Meters for the Bureau of Drinking Water with Kemi Construction, Inc. on behalf of the Department of Watershed Management/Bureau of Drinking Water in an amount not to exceed \$4,000,000.00; all contracted work shall be charged to and paid from Fund, Department Organization and Account Numbers listed; and for other purposes.
(Councilmember Archibong made a motion to hold as amended.)

AMENDED AND HELD

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RESOLUTIONS (CONT'D)

- 10-R-2005 (2) A Resolution by City Utilities Committee authorizing the Mayor to encumber Phase Three (3) funding in the amount of \$22,336,985.40, for FC-4747, South River Tunnel and Pumping Station with GSC Atlanta, Inc., on behalf of the Department of Watershed; all contracted work shall be charged to and paid from Fund, Department Organization and Account Numbers listed; and for other purposes.
(Councilmember Hall made a motion to approve.)

FAVORABLE

- 10-R-2072 (3) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1, for FC-5037, Maintenance and Support Agreement for Customer Information System ("CIS")/Billing System and Off-Site Billing Services for Enquesta with Systems & Software, Inc. on behalf of the Department of Watershed Management in an amount not to exceed \$613,237.14; all contracted work shall be charged to and paid from Fund, Department Organization and Account Numbers listed; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

- 10-R-2073 (4) A Resolution by City Utilities Committee authorizing the Mayor to issue a Task Order to Prad & PBS&J, a Joint Venture, for FC-4906E, Architectural, Engineering & Design Services – Construction Management Support Services for South River Basin – East Point on behalf of the Department of Watershed Management in an amount not to exceed \$1,420,450.00; all work will be charged to and paid from Fund, Department Organization and Account Numbers and PTAEAO Numbers listed; and for other purposes.
(Councilmember Archibong made a motion to approve.)

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RESOLUTIONS (CONT'D)

- 10-R-2108 (5) A Resolution by City Utilities Committee authorizing the Mayor to issue a Task Order to United Consulting, Inc., for FC-4918E, Geotechnical, Environment Engineering, Testing and Investigation Services for Groundwater and Surface Water Monitoring at the Cascade Road, East Confederate, Gun Club Road and Key Road Landfills, on behalf of the Department of Public Works in an amount not to exceed \$364,000.00; all contracted work shall be charged to and paid from Fund, Department Organization and Account and PTAEAO Numbers listed; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 10-R-2119 (6) An **Amended** Resolution by City Utilities Committee authorizing the Department of Watershed Management to approve a Task Order to BGR, JV, for FC-4906C, Annual Contract for Architectural and Engineering Services, Safety Rectification for R. M. Clayton WRC, on behalf of the Department of Watershed Management in an amount not to exceed \$238,205.00; all contracted work to be charged to and paid from Fund, Department Organization and Account and PTAEAO Numbers listed; and for other purposes.
(Councilmember Martin made a motion to approve as amended.)

FAVORABLE AS AMENDED

- 10-R-2120 (7) A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 4 with C P Richards Construction Co. Inc., for FC-4943A, Annual Contract for Sidewalk, Driveway, Curbs and Gutters for Safety Rectification for R. M. Clayton WRC, on behalf of the Department of Watershed Management in an amount not to exceed \$678,369.00; all contracted work will be charged to and paid from Fund, Department Organization and Account and PTAEAO Numbers listed; and for other purposes.
(Councilmember Martin made a motion to approve.)

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RESOLUTIONS (CONT'D)

- 10-R-2121 (8) A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 4 with Clark Municipal Services d/b/a Clark Truck Repair, for FC-6005007949, Annual Contract for Fleet Maintenance Services, on behalf of the Department of Watershed Management in an amount not to exceed \$130,000.00; all contracted work shall be charged to and paid from Fund, Department Organization and Account Numbers listed; and for other purposes.

(Councilmember Martin made a motion to approve.)

FAVORABLE

- 10-R-2122 (9) A Resolution by City Utilities Committee authorizing the Mayor to enter into an Amendment Agreement No. 1, for the constructed Wetlands Project Cost Share Agreement located in McDaniel Branch with the United States Army Corps of Engineers ("USACE") to include an additional property located on Land Lot F0073 of the 14th (FF) District, Fulton County Georgia Parcel Number 14F-0073-LL-074-9 of the 14th (FF) District, Fulton County Georgia, Parcel Number 14F-0073-LL-074-9 in an amount not to exceed \$100,000.00; all contracted work will be charged to and paid from Fund, Department Organization and Account Numbers listed; and for other purposes.

(Councilmember Archibong made a motion to hold.)

HELD

- 10-R-2124 (10) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2, for FC-4737, Operations, Maintenance and Training for the Hemphill Steam Pumping Station with DPS, Infrastructure Monitoring Systems, Inc. on behalf of the Department of Watershed Management for **time-only**; and for other purposes.

(Councilmember Martin made a motion to approve.)

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RESOLUTIONS (CONT'D)

- 10-R-2125 (1) An Amended Resolution by City Utilities Committee authorizing the Mayor to Encumber three (3) months of funding in the amount of \$350,000.00, for FC-4343, Program Management Services with MWH/Khafra, JV on behalf of the Department of Watershed Management; all contracted work shall be charged to and paid from Fund, Department Organization and Account Numbers listed; and for other purposes.
(Councilmember Martin made a motion to approve as amended.)

FAVORABLE AS AMENDED (1 NAY) SHOOK

- 10-R-2126 (12) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Garney Companies, Inc./Metal and Materials Engineers, Inc., a Joint Venture, for FC-4757, South River Basin – East Point Sewer Replacement, on behalf of the Department of Watershed Management, in an amount not to exceed \$14,069,524.87; all contracted work will be charged to and paid from Fund, Department Organization and Account Numbers and PTAEAO Numbers listed; and for other purposes.
(Councilmember Archibong made a motion to hold.)

HELD

G. PAPERS HELD IN COMMITTEE

- 10-O-0939 (1) A **Substitute** Ordinance by City Utilities Committee to amend Chapter 154, Article V. Division IV. Section 297 of the Atlanta City Code of Ordinances Entitled "City of Atlanta Grease Management Ordinance" (§154-297 et seq.) to adjust Wastewater Discharge Permit Fees; and for other purposes.
(Substituted and held 8/31/10) (Public Hearing held 9/21/10)

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-0940 (2) A **Substitute** Ordinance by City Utilities Committee to amend Article V of Chapter 154 of the Atlanta City Code Entitled "Sewage Disposal" (§154-196 et seq.); to create a fee for the issuance of an Industrial Wastewater Discharge Permit; to create a fee for Annual Inspections; and for other purposes. **(Held 6/15/10) (Substituted and held 9/14/10) (Public Hearing held 9/21/10)**
- 10-O-1058 (3) An **Amended** Ordinance by City Utilities Committee to amend Chapter 154 (Utilities), Article III (Water), Division I (Generally) of the City of Atlanta, Code of Ordinances. for the Department of Watershed Management Bureau of Drinking Water to adjust Meter Hydrant Service and Installation Fees; and for other purposes. **(Amended and held 7/13/10) (Public Hearing held 9/21/10)**
- 10-O-1059 (4) A **Substitute** Ordinance to amend Section 173 (Charges for Sewers laid by Developer for Use of Development), Division 2 (Assessments), Chapter 154 (Utilities), Article IV (Sewer Construction and Assessments), of the City of Atlanta Code of Ordinances to increase certain fees and impose new fees for Pipe and Structural Inspection, Erosion Control and Construction Inspection, Site Plan Review, and other services; to create a new Section 318 (Application Fees), Article VII (Riparian Buffer Requirements) Chapter 74 (Environment), to impose a new fee for plan review related to Riparian Buffer authorized Encroachment Applications; to create a new Section 521 (Fees), Article X (Post Development Stormwater Management) Chapter 74 (Environment) to impose a new fee for Plan Review related to Post Development Stormwater Management; to create a new Section 208 (Fees), Article VI (Flood Area Regulations) Chapter 74 (Environment) to impose a new fee for plan review related to Flood Plain Management; to create a new Section 406 (Fees), Article VIII (Wetland Protection Regulations) Chapter 74 (Environment) to impose a new fee for plan review related to Wetlands Protection; and for other purposes. **(Held 6/29/10 for a Public Hearing) (Substituted and held 9/14/10) (Public Hearing held 9/21/10)**

PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-1688 (5) An Ordinance by Councilmembers Ivory L. Young, Jr. and Michael J. Bond, authorizing the Mayor or his designee to abandon the portion of James P. Brawley Drive, SW located between Beckwith and Martin Luther King, Jr. Drive, SW on the east and located between Mitchell Street, SW and Beckwith Street, SW on the west and being more specifically described in Exhibit "A" and more completely described in Exhibit "B" lying and being in Land Lot 109 of the 14th District, Fulton County, Georgia; to abandon the portion of Mitchell Street, SW between James P. Brawley Drive, SW and Paschal Boulevard, SW as marked on Exhibit "A" and more completely described in Exhibit "C"; to abandon Student Nonviolent Coordinating Committee ("SNCC") Way, SW between 399.76' south of Mitchell Street, SW and Beckwith Street, SW on the west side and between Mitchell Street, SW and Beckwith Street, SW on the west side as marked on Exhibit "A" and more completely described in Exhibit "D"; and for other purposes. **(To be advertised for a Public Hearing) (Held 9/14/10 for further discussions and a Public Hearing)**

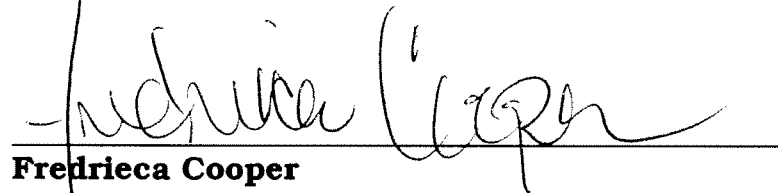
H. REQUESTED ITEMS

1. Councilmember Shook made a request to the Law Department to respond to how the City can pursue individuals and businesses that have had water debts with the City and are allowed to open new accounts. What can the City do about it?
2. Councilmember Shook requested a status report on the Auditor's recommendations.

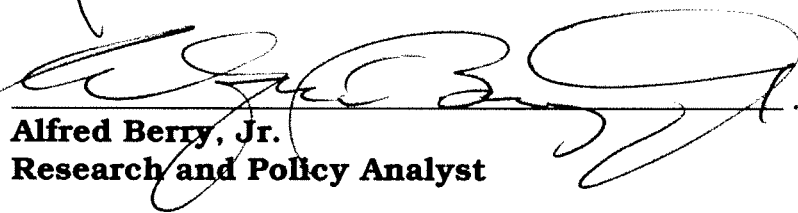
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There being no further business to come before the Committee, the meeting was adjourned at 2:33 p.m.

Respectfully Submitted:



Fredriecca Cooper
Legislative Assistant



Alfred Berry, Jr.
Research and Policy Analyst



The Honorable Natalyn M. Archibong, Chair
City Utilities Committee